

Chapter 13 - BUILDING CONSTRUCTION AND PROPERTY MAINTENANCE

Section 13.01 BUILDING CODE

(a) **Title.** This ordinance shall be known, cited and referred as the Town of Turtle Building Code.

(b) **Purpose.** The purpose of the Building Code is to provide minimum standards for the protection of life, limb, health, property, environment and for the safety and welfare of the general public, consumers, owners and occupants of residential, commercial, industrial and public buildings.

(c) **Scope.** This chapter shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and their service equipment and appurtenances located in the Town of Turtle.

(d) Adoption of Uniform Dwelling Code.

(1) The State of Wisconsin Uniform Dwelling Code contained in Chs. Comm. 20 through 25, Wis. Adm. Code, and Subchapter II of Chapter 101, Wis. Stats., including any subsequent amendments thereto, are adopted by reference and incorporated herein as if they were fully set forth and made a part hereof.

(2) Chapter Comm. 20 through 25 Wis. Adm. Code, and Subchapter II, Ch. 101, Wis. Stats., shall apply to one- and 2-family dwellings whose initial construction is undertaken on or after the dates specified in those regulations.

(3) For the purposes of local regulation of one- and 2-family dwellings, the provisions of the Uniform Dwelling Code shall apply to additions and alterations to buildings whose initial construction was lawfully begun prior to June 1, 1980. Such provisions shall apply to additions being constructed or the work involved in the alterations or repairs and shall not be construed to apply to the existing building.

(e) **Adoption of State Building and Heating Code.** The State of Wisconsin Building, Heating, Ventilating, and Air-Conditioning Code contained in Chs. Comm. 50 through 64, Wis. Adm. Code, and subsequent amendments thereto, are adopted by reference and incorporated herein as if they were fully set forth and made a part hereof.

(f) **Existing Buildings.** The following specified requirements shall apply to all existing buildings and structures which, for any reason, do not conform to the requirements of this ordinance:

(1) **Value.** Where the value of alterations and repairs to an existing building or structure is in excess of 50% of the assessed value of the building or structure divided by the ratio of the assessed value to the recommended value as last published by the State Supervisor of Assessments, not deducting from such value any loss caused by fire or any other reason, the entire building shall be made to conform to all of the requirements of this ordinance for new buildings or shall be entirely demolished.

(2) **Conformance.**

a. Every alteration or repair to any structural part of any existing building shall be made to conform to all of the requirements of this ordinance, and all of the requirements shall apply to such alterations and repairs.

b. Every addition to an existing building shall be made to conform to all of the requirements of this ordinance and all of the requirements of this ordinance shall apply to such additions.

c. When the use of an existing building or structure, whether built under this ordinance or a previous code or prior to the date of first building code, is changed and the requirements for the new use are more stringent than those for the previous use, then such building or structure shall be made to conform with all the requirements for the new use as provided in this ordinance.

1. Where the use of only a portion or portions of such buildings or structures is changed, then only such portion or portions of the building or structure need conform to the requirements of this ordinance.

2. The Building Inspector may approve any change in use of an existing building or structure, even though the building is not made to fully conform to the requirements of this ordinance, when it is obvious that the change of use will not extend or increase any nonconformity or hazard.

d. The Building Inspector may require that an existing building be made to conform to the requirements of this ordinance regulating the number, location, lighting, widths, heights and means of exiting where, in his or her judgment, a hazard to the occupants, users, owners or the public exists.

e. The requirements of Comm. 21.03, Wis. Adm. Code, shall apply to exits in existing one- and 2-family buildings.

f. The requirements of Comm. 51.245 and 57.16, Wis. Adm. Code, shall apply to the installation and maintenance of smoke detectors.

(g) Administration and Enforcement.

(1) **Appointment.** A Building Inspector shall be appointed by the Town Board to administer and enforce all the provisions of this ordinance.

(2) **Records.** The Building Inspector shall keep complete records of all applications received, permits issued, inspections made and other official work performed under the provisions of this ordinance.

(3) **Right To Entry.** The Building Inspector shall have the right to enter upon public or private property during reasonable hours to inspect work performed or existing as provided by this ordinance. When entry is refused, the Building Inspector may seek an inspection warrant as provided in sections 66.122 and 66.123 of the Wisconsin Statutes.

(h) Violations and Penalties.

(1) No person shall erect, alter, construct, enlarge, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, or part thereof, or cause or permit the same to be done contrary to or in violation of any of the provisions of this ordinance.

(2) Any violation of this ordinance constitutes a public nuisance and, in addition to any other remedies provided for its enforcement, the Town may bring civil suit to enjoin violations of any provision of this ordinance.

(3) Any person who shall violate any provision or any order made hereunder shall be subject to a forfeiture. This penalty shall be independent and exclusive of the right of the Town Board to revoke any license or permit.

(i) **Appeals.** An appeal may be taken to the Board of Adjustment by any person aggrieved by a decision of the Building Inspector. Such appeal shall be taken within 30 days after the decision or action complained of by filing with the Town Clerk a notice of appeal, together with the required filing fee, specifying the grounds thereof. Appeals involving matters under the jurisdiction of Chs. Comm. 20 through 26, Wis. Adm. Code, shall be subject to the provisions of Comm. 20.21, Wis. Adm. Code. Appeals involving raze orders issued under Section 16 of this Ordinance and sec. 66.0413, Wis. Stats., shall be made to the circuit court within the time provided by sec. 66.0413, Wis. Stats.

(j) Variances.

(1) Variances from the regulations of this ordinance, excepting variances from those regulations contained in Chs. Comm. 20 through 25, Wis. Adm. Code, and sec. 66.0413, Wis. Stats., may be granted by the Board of Adjustment.

a. The conditions upon which the petition for variance is based are unique to the building or structure and are not generally applicable to other buildings or structures in the same use classification.

b. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

c. Granting of the variance will not be detrimental to public welfare or injurious to other properties in the area.

d. The variance will not, either to the property for which the variance is sought or neighboring properties, impair an adequate supply of light and air, increase the danger of fire, endanger the public safety or diminish or impair property values within the neighborhood.

e. Conformance with the provisions from which relief is sought will cause a particular hardship as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.

(2) Applications for variances under sub. (1) shall be filed in writing, together with the required filing fee, with the Town Clerk.

(3) Variances from regulations under the jurisdiction of Chs. Comm. 20 through 25, Wis. Adm. Code, shall be subject to the provisions of Comm. 20.19, Wis. Adm. Code.

(k) Stop Orders.

(1) Wherever any work is being done contrary to the provisions of this ordinance or before having obtained a permit authorized by the Building Inspector, the Building Inspector may order the work stopped by notice in writing served upon the permittee or the permittee's agent or any contractor engaged in doing the work or causing such work to be done, or by posting such stop order in a conspicuous place on the premises and any person shall stop such work until authorized by the Building Inspector to proceed with the work.

(2) No person shall remove a stop order once posted or proceed with work after notice to stop work has been served or posted, and any person who shall remove such notice or continue work after such notice has been posted or served shall be subject to a forfeiture.

(l) Permits.

(1) **Required.** A permit shall be obtained before beginning construction, alteration, repair, improvement, demolition or moving any building or structure, using application forms prescribed and furnished by the Town Clerk. A separate permit is required for each such building or structure. No permits shall be issued for multiple buildings or structures. If a driveway is required as part of the construction, alteration, repair, or improvement, a driveway permit shall be obtained from the Town prior to the issuance of a building permit.

(2) **Exceptions.** This ordinance shall not require a building permit for:

a. Minor repairs, maintenance or alterations whose value does not exceed \$2,500 and which do not change the occupancy, area, structural strength, fire protection, exits, light or ventilation of the building or structure.

b. Installation of roof shingles, furnace replacements, and air conditioning replacements for one and two family dwellings provided in all cases the prior approval of the Building Inspector is obtained.

(3) **Failure To Obtain.** Failure of the owner, agent, lessee or sublessee, or other responsible parties to obtain a permit prior to commencement of the work, shall subject the owners or other responsible parties to a double fee. Such fee shall not deny the Town any other legal right or remedy it may otherwise have under this ordinance and other applicable codes and regulations.

(4) **Weather Resistant Card.** The Building Inspector shall issue, with each permit, a weather resistant card which shall be posted in a conspicuous place on the front of the building or structure where the work is being done. Such card shall be placed not more than 15 feet above adjacent grade, shall be unobstructed from public view and shall remain in place during the entire period of the work.

(5) **Work to Commence Within Six Months.** All building permits and plan approvals shall be void unless work has commenced within 6 months from original issue or approval. Where work has commenced within 6 months, the building permit shall expire by limitation two years from the date of original issue. Where the work has been carried on with reasonable diligence, the permit may be renewed upon application for renewal and payment of the required renewal fee.

(6) **Revocation.** If the Building Inspector shall find, at any time, that any of the ordinances of the Town or the plans and specifications are not being complied with, the permit may be revoked by written notice to the owner or agent, or by posting a notice in a conspicuous place at the work site.

(7) **Reissuance.** If any such permit is revoked, no further work shall be done until the permit is reissued, excepting such work the Building Inspector may order done as a condition precedent to the reinstatement of the permit.

(m) Permit Applications.

(1) Applications for permits to originally construct one and 2 family dwellings shall be made in the manner provided by Comm. 20.09, Wis. Adm. Code.

(2) Applications for permits other than for original construction of one and 2 family dwellings shall be made upon a form prescribed by the Town Clerk and shall be signed by the

owner or agent representing the owner. Each application, when deemed necessary by the Building Inspector, shall be accompanied by two sets of plans drawn of sufficient clarity to indicate the nature and extent of the proposed work and shall include a plot plan showing locations of existing and proposed buildings, property lines, adjacent grades, drainage facilities, easement, north arrow, street address and legal description.

(n) **Inspections.**

(1) Inspections of original construction of one and 2 family dwellings shall be conducted in the manner provided in Comm. 20.10, Wis. Adm. Code.

(2) For construction other than regulated by sub. (1) above, the Building Inspector shall, upon notification from the contractor or his agent, make or cause to be made the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this ordinance:

a. **Footing Inspection.** Footings shall be inspected after completion of excavation and all shoring and reinforcing is in place and prior to the placing of concrete. No concrete shall be placed until authorized by the Building Inspector or 3 work hours have elapsed after notification that the work is ready for inspection.

b. **Foundation.** The foundation wall shall be inspected after all forms, if any, have been removed, waterproofing, where required, has been applied and before backfilling. No backfilling shall be done until 2 working days have elapsed following notification or the inspection has been made and approved.

c. **Framing.** The framing inspection shall be made after all structural elements, framing, fire blocking, bracing, plumbing pipes and vents, electrical wiring and chimneys are in place and complete. No walls, ceilings or structural elements may be covered or concealed from view until the framing, rough plumbing, rough electrical and rough heating inspections have been made and approved or 3 working days have elapsed following notification that the work is ready for inspection.

d. **Insulation.** The insulation inspection shall be made after all insulation and vapor barriers required by this ordinance or included as a part of the plans and specifications, have been completely installed. The insulation and vapor barriers shall not be covered or concealed from view until the inspection has been made and approved or 3 working days have elapsed following notification that the work is ready for inspection.

e. **Final.** Upon completion of all of the work to be done, but prior to occupancy, the Building Inspector shall make, or cause to be made, a final inspection to determine compliance with code and all other applicable regulations are found. If no violations of this ordinance or other applicable regulations are found, the Building Inspector shall issue a certificate of occupancy stating the purpose for which the building is to be used, the maximum load and the maximum number of people who may be accommodated on each floor.

(o) Occupancy Certificate.

(1) No building or part thereof shall be occupied until the Building Inspector has issued a certificate of occupancy certifying that no violation of this ordinance or any other applicable regulation exists, nor shall any building be occupied in any manner conflicting with the conditions set forth in the certificate of occupancy. The Building Inspector shall send a copy of the certificate of occupancy to the Town Clerk.

(2) When the use of a building changes, a new certificate of occupancy shall be obtained prior to reoccupation of the building, or any part thereof. The use of a building shall not be deemed to have changed because of temporary vacancy or change of ownership or tenancy.

(3) The Building Inspector may permit the occupancy of buildings, or part thereof, prior to completion where, in his or her judgment and discretion, a particular hardship exists. Such permission shall be in writing and may not be issued until the Building Inspector has inspected the building, or parts thereof, to be occupied and determined that there are no deficiencies that would be hazardous to the health, safety or welfare of the occupants. Such written permission shall state a time definite by which all required work shall be completed. Failure to complete the work during the time required or violations in such work, will cause the owner to be subject to penalties as provided in this Code of Ordinances and possible vacation of the building.

(p) Unsafe Buildings.

(1) Section 66.0413, Wis. Stats., is hereby adopted by reference and incorporated herein as if it were fully set forth and made a part hereof.

(2) The Building Inspector is empowered to act for the Town under sec. 66.0413, Wis. Stats., relating to condemnation and razing of buildings.

(q) Maintenance of Buildings. Every building or structure and the parts thereof, whether existing or hereafter erected, shall be kept in good repair and the roof shall be maintained to prevent leakage.

(r) Cleanliness. Every building or structure and the parts thereof, whether existing or hereafter erected, shall be kept clean and free from any accumulation of dirt, filth, rubbish, garbage or other matter in or on the same or in yards, courts, passages, areas or alleys connected with or belonging to the same.

(s) Alternate Materials and Methods.

(1) The provisions of this ordinance are not intended to prevent the use of any material or method of construction not specifically prescribed by this ordinance, provided such alternate has been approved. The Building Inspector may approve any such alternate provided he

or she finds that the proposed design is satisfactory and complies with accepted design criteria. The Building Inspector may require evidence or proof be submitted to substantiate any claims that may be made regarding its use.

(2) Materials and methods used in the construction of dwellings regulated by the Uniform Dwelling Code shall comply with the requirements of Comm. 20.18, Wis. Adm. Code.

(t) **Definitions.** In addition to the definitions set forth in Comm. 20.07 and Comm. 51.01, Wis. Adm. Code, the following terms, phrases, words, abbreviations and their derivatives shall have the meaning indicated in this section unless otherwise expressly stated. Words used in the present tense include the future; words used in the masculine gender, the feminine and neuter; the singular number includes the plural and the plural the singular. Where terms are not defined, they shall have their ordinary accepted meanings or such as the context may imply.

(1) **Accepted Engineering Practices.** That which conforms to accepted principles, tests or standards of nationally recognized technical or scientific authorities.

(2) **Curb Height or Levels.** The elevation of the established curb measured at right angles to the reference point. Where no curb is established, the grade at the centerline of the street shall be used.

(3) **Footing.** That portion of the foundation which spreads and transmits loads directly to soil or pilings.

(4) **Manufactured Dwelling.** A structure sometimes called a modular home or prefabricated home, which is regulated by the Wisconsin Uniform Dwelling Code, Chapters 20 to 25, or amendments thereto. A manufactured dwelling is identified with a red sticker called a “Wisconsin Insignia,” imprinted with the outline of the State of Wisconsin and is manufactured in accordance with the requirements of Sections 101.60 to 101.66 and Sections 101.70 to 101.77 of the Wisconsin Statutes. When placed on the site, this structure is installed in accordance with the manufacturer’s instructions, is properly connected to utilities and meets the other applicable standards and definitions of a Single-Family Dwelling.

(5) **Manufactured Home.** A structure that is certified and labeled as a manufactured home under 42 USC Sec. 5401 to 5426, which when placed on the site:

a. Is set on an enclosed continuous foundation in accordance with Sec. 70.43(1), Wis. Stats., and Comm. 21, Subchapters III, IV and V, Wis. Adm. Code, or is set on a comparable enclosed foundation system approved by the Building Inspector, who may require a plan for such a foundation to be certified by a registered architect or engineer to ensure proper support for such structure;

b. Is installed in accordance with the manufacturer’s instructions; and

c. Is properly connect to utilities.

(6) **Shall.** A term for mandatory use under the provisions of this Ordinance.

(7) **Single Family Dwelling.** A single-family dwelling unit may be site constructed housing, manufactured dwellings or manufactured homes. Such single-family dwelling units shall have the following required characteristics:

a. The structure is set on an enclosed continuous foundation in accordance with Sec. 70.43(1), Wis. Stats., and Comm. 21, Subchapters III, IV, and V, Wis. Adm. Code, or amendments thereto, or is set on a comparable enclosed foundation system approved by the Town Building Inspector, who may require a plan for such a foundation to be certified by a registered architect or engineer to ensure proper support for such structure;

b. The structure is installed in accordance with the manufacturer's instructions;

c. The structure is properly connected to utilities in accordance with and to Code; and

d. The structure has a core living area which shall be a minimum of 24 feet in depth and have a length sufficient to meet the minimum square footage requirements of the particular zoning category in which the structure is located.

(8) **Site-Constructed Housing.** A structure built on-site in accordance with the State of Wisconsin Uniform Dwelling Code. When placed on the site, this structure is constructed and installed in accordance with the manufacturer's or builder's instructions, is properly connected to utilities and meets the other applicable standards and definition of a Single-Family Dwelling as found herein.

(9) **Value.** That price which the building or work will sell for on negotiations between a seller, willing but not obliged to sell, and a buyer, willing but not obliged to buy.

(10) **Writing.** Shall include handwriting, typewriting, printing, photo-offset or any other form of reproduction in legible symbols or characters.

(11) **Written Notice.** Notification in writing delivered in person to the individual or to the parties intended, or delivered at or sent by certified mail to the last business address known to the party giving notice.

(u) **Grading of Lots.**

(1) Lots and parcels shall be graded to provide for diversion of water away from buildings and structures and in such a manner as to prevent the accumulation of stagnant water.

(2) Where an existing lot grade is changed as a result of construction, regrading, filling or removal of soil, and paving, the grading shall be done in such a manner that water will not be diverted onto adjacent properties.

(v) Precautions During Building Operations.

(1) The provisions of this section shall apply to all construction operations in connection with the erection, alteration, repair, removal or demolition of buildings and structures. Nothing herein contained shall be construed to nullify any rules, regulations or statutes of State or Federal agencies governing the protection of the public or workers from health or other hazards.

(2) **Temporary Encroachments.** Subject to the approval of the Building Inspector, sidewalk sheds, underpinning and other protective guards and devices may project beyond street right-of-way lines where required to insure the safety of adjoining property and the public.

(3) **Loading.** No person shall load any structure, temporary support, scaffolding, sidewalk bridge or sidewalk shed or any other device during construction or demolition of any building or structure in excess of its safe working capacity.

(4) **Unsafe Equipment.** Whenever any doubt arises as to the structural quality or strength of scaffolding plank or construction equipment such material shall be replaced, provided the Building Inspector may accept a strength test to 2-1/2 times the superimposed live load to which the structural member is to be subjected. The use of suspect scaffolding or construction equipment shall be prohibited until tested or replaced.

(5) **Unsafe Conditions.** Where any unsafe or illegal condition exists the Building Inspector shall notify the owner and direct him or her to take necessary action to remove the hazard or violation. Unless the owner shall take action to comply with the orders within 24 hours the Building Inspector shall have full power to correct the unsafe conditions and the expenses incurred shall be assessed and collected as a special tax upon the property.

(6) Existing Buildings.

a. All existing and adjoining public and private property shall be protected from damage incidental to the construction operations.

b. Whenever a building is hereafter erected, enlarged or increased in height so that a wall, along or within 3 feet of a lot line, extends above the top of an existing chimney or vent of an existing adjoining building, the owner of the building so erected, enlarged or increased in height shall carry up, at his or her own expense and with the consent of the adjoining property owner, either independently or within his or her own building, all chimneys and vents connected to liquid or solid fuel burning appliances. The construction of an extended chimney shall conform to the requirements of new chimneys.

c. The owner of the new or altered structure shall preserve all adjoining independent and party walls from damage and shall underpin where necessary and support the adjoining building or structure with approved foundations.

d. Wherever a party wall is exposed the owner of the new or altered property shall preserve the party wall from damage and support it at his or her own expense. The wall shall be made weatherproof and structurally safe by adequate bracing until such time as permanent structural supports have been provided. Beam holes in party walls, exposed as a result of the work, shall be bricked up and wall anchors bent over at beam ends at the expense of the owner of the building or structure under work. No party wall balcony or horizontal exit shall be destroyed or rendered useless until a substitute means of egress has been approved by the Building Inspector.

e. When a new building or demolition of an existing building is being prosecuted at a greater height, the roof, roof outlets and roof structure of adjoining buildings shall be protected with adequate safeguards by the person doing the work.

(7) Protection of Public and Workmen.

a. **Generally.** Whenever a building or structure is erected, altered, repaired, removed or demolished, the operation shall be conducted in a safe manner and suitable protection for the general public and workers employed thereon shall be provided.

b. **Fences.** Every construction operation located 5 feet or less from a street right-of-way line shall be enclosed with a fence not less than 8 feet in height. When located more than 5 feet from the street right-of-way line, a fence or other barrier shall be erected when required by the Building Inspector. All fences shall be adequate in strength to withstand high winds.

c. **Sidewalk Bridges.** Whenever ground is excavated under a sidewalk, a sidewalk bridge shall be constructed not less than 4 feet wide, or a protected walkway of equal width shall be erected in the street, providing the Building Inspector has authorized the street occupancy.

d. Sidewalk Sheds.

1. Whenever any building or structure, or part thereof, which is located within 10 feet of the street right-of-way line is being erected or where a building 40 feet or more in height within 10 feet of the street right-of-way line is being demolished, a sidewalk shed shall be erected and maintained for the full length of the building on all street fronts for the entire time the work is performed on the exterior of the building.

2. An adequately lighted walkway not less than 4 feet wide and 8 feet in height in the clear shall be maintained under all sidewalk sheds for pedestrians. Where ramps are required, they shall not exceed a gradient of one in 10.

e. **Watchman.** Whenever a building is being demolished, erected or altered, a watchman shall be employed to warn the general public when intermittent hazardous operations are being conducted across the sidewalk or walkway.

(8) Excavations.

a. **Temporary Support.** Until permanent support has been provided, all excavations shall be safeguarded and protected by the person causing the excavation to be made. Where necessary, such excavations shall be retained by temporary retaining wall, sheet piling and bracing or other approved methods of supporting the adjacent earth.

b. Adjoining Property.

1. Before any excavation or demolition is undertaken, license shall be afforded, by the owner and tenants, to enter upon adjoining property to the person undertaking such work, prior to the commencement and at reasonable periods during the progress of the work.

2. The person doing the work shall, before starting the work, give at least one week's notice to the owners of each neighboring building, the safety of which may be affected. Having received consent to enter the buildings, he or she shall make the necessary provisions to protect the buildings structurally and to insure it against damage by the elements which may ensue from the work.

3. If license to enter is not afforded, then the adjoining owner shall have the entire responsibility of providing both temporary and permanent support of the premises at his or her own expense.

4. If the person who causes the work to be done has reason to believe that an adjoining building or structure is unsafe, he or she shall forthwith notify the Building Inspector in writing. The Building Inspector shall inspect such premises, and if the structure is found to be unsafe, he or she shall order it repaired or razed.

c. **Excavations Other Than For Construction Purposes.** Excavations made for removing soil, earth, sand, gravel, rock or other materials shall be performed in such a manner as will prevent injury to neighboring properties or to the street which adjoins the lot where such materials are excavated, and to safeguard the general public health and welfare.

(9) Regulations of Lots.

a. **Grading.** When a building has been demolished and no building operation has been projected or approved, the foundation shall be removed to a level at least 3 feet below grade and the vacant lot shall be filled, graded and maintained in conformity to established street grades at curb level. The lot shall be maintained free from the accumulation of rubbish and

all other unsafe or hazardous conditions which endanger the life or health of the public. Provisions shall be made to prevent the accumulation of stagnant water and to prevent the diversion of water onto adjoining property.

1. The top 4 inches or more of finish grade shall be earth capable of supporting and nurturing grass. Grass seed shall be planted to prevent erosion and dusting.

2. In commercial and industrial areas where no building operation has been projected or approved and where the vacant lot will be used for approved parking, the lot shall be surfaced as required for parking areas as set forth in the Zoning Ordinance.

b. **Utility Connections.** Before a building can be demolished or removed, the owner or agent shall notify all utilities having service connections within the building, such as water, electric, gas, sewer and other connections. A permit to demolish or remove a building shall not be issued until it is ascertained that service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.

(10) **Storage of Materials.** All materials shall be stored and placed so as not to endanger the public, the workmen or adjoining property.

a. **Design Capacity.** Materials or equipment stored within the building, or on sidewalk sheds or scaffolds shall be so placed so as not to overload any part of the construction beyond its design capacity, nor to interfere with the safe prosecution of the work.

b. **Special Loading.** Unless the construction is designed for special loading, materials stored on sidewalk sheds and scaffolds shall not exceed one day's supply. All materials shall be arranged in an orderly manner and height to permit removal of individual pieces without endangering the stability of the pile.

c. **Pedestrian Walkways.** No material shall be stored on the street right-of-way without authorization from the Building Inspector. When so stored they shall not unduly interfere with vehicular or the orderly travel of pedestrians. Piles shall be arranged to afford a walkway not less than 4 feet wide, unobstructed for its full length and adequately lighted at night and at all times necessary for safe use by the public.

d. **Obstructions.** Material and equipment shall not be placed or stored so as to obstruct access to fire hydrants, stand pipes, fire or police alarm boxes, utility boxes, catch basins or manholes nor shall they be located nearer than 20 feet to an intersection or so placed as to obstruct normal observations of traffic signals.

(11) **Removal of Waste Material.** No material shall be dropped by gravity or thrown outside the exterior walls of a building during erection or demolition. Wood or metal chutes shall be provided for this purpose and any material which in its removal will cause an excessive amount of dust shall be wet down to prevent the creation of a nuisance.

(12) **Scaffolds.** All scaffolds shall be designed to support 2-1/2 times the superimposed live load to be placed thereon, but in no case less than 120 pounds per square foot.

(13) **Ladders.** Temporary ladders when permitted for access to floors before stairways are installed, or which are designed for other working purposes, shall extend not less than 42 inches above the floor level they serve.

(14) **Lighting.** All stairways and all parts of buildings under erection, repair or demolition shall be adequately lighted while persons are engaged at work.

(15) **Fire Hazards.**

a. **Temporary Heating.** Whenever salamanders or other heating devices are used for temporary heating, all regulations as to maximum temperature, distance from combustible materials, spark arrestors, removal of noxious gases and other requirements of the Building Inspector shall be fully observed. When the source of heat consists of salamanders or other open flame devices, temporary canvas enclosures shall be flame and fire retardant.

b. **Steam Boilers.** All temporary or permanent high pressure boilers shall be operated only by licensed operating engineers. When located within a building or within 10 feet thereof, all such boilers shall be enclosed in approved fire-rated construction.

c. **Storage of Flammables.** Storage of gasoline, oils, paints and other highly flammable materials shall be permitted only as permitted by the Building Inspector and when stored in safety containers. The storage of larger quantities may be approved by the Chief of the Fire Department when stored in separate containers, compartments or enclosures of noncombustible construction.

d. **Fire Extinguishing Equipment.** Fire extinguishers, auxiliary fire fighting tools or other portable extinguishing equipment shall be installed and maintained on all floors of a construction operation in accessible locations.

(16) **Health Hazards.**

a. Every construction or maintenance operation which results in the diffusion of dust, stone and other small particles, toxic gases or other harmful substances in quantities hazardous to health shall be safeguarded by means of local ventilation or other protective devices to insure the safety of the public and the workers.

b. Dust, sand blasts or other harmful agents when occurring in construction operations shall be disposed of at or near the point of origin to prevent their diffusion over adjoining premises or streets.

(w) **Garages and Accessory Structures.**

(1) **Purpose.** The provisions of this section shall control the design and construction of private garages and other accessory structures which are incidental to one and 2 family dwellings.

(2) **Attached Garages.**

a. **Location.** An attached garage shall be one which is constructed as an integral part of a dwelling unit, is in the basement of a dwelling unit, is intended to become an integral part of a dwelling unit or is within 6 feet of a dwelling unit, measuring from outside face of wall to outside face of wall, whether or not such garage is connected to the house in any manner at the time of construction.

b. **Size.** Private garages shall not exceed 1,000 square feet in area and shall house not more than 4 motor vehicles.

c. **Construction.** The foundation, walls, floor, ceiling and roof of an attached garage shall be designed and constructed as required for single and 2 family buildings.

d. **Fire Separation.** Attached garages shall be separated from the dwelling unit as provided in Comm. 21.08(1), Wis. Adm. Code.

(3) **Detached Garages.**

a. **Location.** A detached garage shall be one which is not connected, or intended to be connected, to a dwelling unit or other accessory structure and is not nearer to a dwelling unit or other accessory structure than 6 feet.

b. **Size.** The limitations of size of detached garages shall be the same as for attached garages.

c. **Foundation.** Detached garages may be built on a monolithic concrete slab not less than 4 inches thick with the edges thickened to not less than 8 inches for a distance not less than 12 inches from the edge of the entire perimeter of the slab inward.

d. **Walls.** Walls of detached garages may have 2 inch by 4 inch studs not more than 24 inches on center. The exterior walls shall have a covering of ½ inch fibre board sheathing and shall be sided with an approved material.

1. The sheathing may be omitted where 1 inch by 4 inch diagonal bracing or other approved methods of bracing are provided.

2. Top plates may be single, provided all rafters occur over studs and 2 inch by 4 inch collar ties are provided not less than 48 inches on center.

e. **Roof and Ceiling.** Roofs and ceilings shall conform to the requirements of Comm. 21.27 and Comm. 21.28, Wis. Adm. Code.

(4) **Headers.** Headers in garages and accessory structures shall be as set forth in Comm. 21.25(3), Wis. Adm. Code.

(5) **Sheds.**

a. **Freestanding Sheds.** Freestanding sheds not exceeding 70 square feet in area need not be built on a foundation, but shall be anchored to resist displacement and movement by wind, large animals and vandals. They shall be designed to resist all loads as set forth in Comm. 21.02, Wis. Adm. Code.

b. **Attached Sheds.** Sheds attached to dwelling units, other accessory structures or exceeding 70 square feet in area, shall be constructed according to the requirements of attached garages.

(6) **Patios and Carports.**

a. Patios and carports shall be designed and constructed to resist all loads as specified in Comm. 21.02, Wis. Adm. Code.

b. Freestanding patios or carports, or patios or carports attached to other detached accessory structures, may have foundations as required for detached garages.

c. Patios or carports which are attached to dwelling units or other attached accessory structures shall have foundations as required for attached garages.

d. Roofs of all patios and carports shall be firmly anchored to the foundation in an approved manner to avoid uplift or overturning by wind.

(x) **Moving and Demolition of Building.**

(1) **Purpose.** The provisions of this section shall control the demolition, removal and reduction in size of buildings or structures. The provisions of Subsection (v) of this ordinance shall be applied, in addition to this section, to all work done under this section.

(2) **Insurance and Bonding.**

a. **Required.** Before a permit to move, demolish or reduce the size of a building is granted, the party applying for the permit shall file with the Town Clerk liability insurance and surety bonds as set forth below.

b. **Insurance.** The insurance shall protect the Town against any claim, suit or judgment and costs and expenses, agreeing to save the Town harmless. The insurance shall provide minimum coverage as set forth herein.

Property Damage	\$ 500,000
Liability For Injury To One Person	\$1,000,000
Liability Arising Out Of One Accident	\$3,000,000

c. **Bonding.** In addition to required insurance, a surety bond in the amount of \$100,000, conditioned on paying for any damage which may be done to any Town street or Town property which may be damaged in connection with the work done, shall be filed.

d. **Board Approval.** Before a permit is issued, the required insurance and bond shall be forwarded to the Town Board, who shall approve or disapprove such insurance or bond upon its opinion of adequacy of protection.

e. **Additional Coverage.** Where the Town Board shall determine that the amounts of coverage provided in this section are insufficient, it may require additional coverage in amounts reasonable to protect public and private property.

(3) **Equipment.** All equipment used for work done under this section shall be maintained in a safe condition and shall be capable of doing the work by using the equipment according to its recommended and accepted normal operating procedure. Equipment designed to travel over the highway shall be licensed for the current year and shall carry insurance.

(4) **Moving Buildings.**

a. **Relocation.** Buildings or structures may not be moved into the Town or relocated from one lot to another lot within the Town unless the Building Inspector shall determine that the building is, or will be, in substantial compliance with this ordinance as it relates to new buildings.

b. **Route.** Every application to move a building or structure shall set forth, in detail, a description of the building proposed to be moved and the route to be followed in moving the building. No permit shall be issued until the Building Inspector and the Superintendent of Highways have approved the route to be followed, in writing. Where the Building Inspector or the Superintendent of Highways shall determine that the size of the building will cause damage to trees, streets, highways or other property, the permit may be conditioned upon a reduction in the size of the building prior to the moving of the building.

c. **Time of Moving.** The moving of buildings or structures along streets or alleys shall be done during daylight hours and shall continue during that period without interruption. No building shall be allowed to remain overnight on any street, highway or bridge. Where the Building Inspector shall determine that the moving will interfere with the orderly movement of traffic along busy streets he or she may require that the moving be done during the night time as well as during daylight, or that the entire operation be conducted during the night time.

d. **Warning to Public.** The person moving a building or structure shall employ such workers and devices as to give adequate warning to vehicles, pedestrians and the public along the way, both preceding and following the building being moved.

e. **Trimming of Trees.** Where it is necessary to trim or remove trees along the route such trimming or removal shall be under the supervision of the Superintendent of Highways.

f. **Completion.** The Building Inspector shall be notified when the building has reached its destination, or has been removed from the Town limits. Such notification shall be given within 24 hours and shall cause the Building Inspector to survey the route taken to determine any damage.

(5) **Demolition and Reduction in Size.** No building shall be demolished or reduced in size until a permit has been issued for the work. Where the building or structure, or the reduction in size, is less than 500 square feet in area, is not more than 15 feet in height and the work does not endanger the public or adjoining property, the fee for the permit may be waived and required insurance and bonding may be waived by the Building Inspector.

(y) **Fee.** Before receiving any permit under this Ordinance, the owner or his or her agent shall pay to the Town Clerk a fee as set by the Town Board.

Section 13.02 ELECTRICAL CODE

(a) Electrical Inspector.

(1) **Appointment.** An Electrical Inspector shall be appointed by the Town Board to enforce the provisions of this ordinance.

(2) Qualifications.

a. The Electrical Inspector shall be Uniform Dwelling Code certified; be well versed in approved methods of electrical construction for the safety to life and property, the State Statutes relating to electrical work, the rules and regulations issued by the State of Wisconsin, the National Electrical Code of the National Board of Fire Underwriters and the National Safety Code of the Bureau of Standards; and shall be of good moral character.

b. The Electrical Inspector shall be in possession of or capable of obtaining immediate certification from the State of Wisconsin for commercial inspection and for Uniform Dwelling Code inspection.

(3) **Conditions of Appointment.** The Electrical Inspector shall have no financial interest in any concern engaged in electrical business in the Town at any time while holding the office of Electrical Inspector. Any violation of the provisions of this section by such Electrical Inspector shall be sufficient cause of his or her dismissal.

(4) Duties.

a. **Enforcement.** The Electrical Inspector shall enforce the provisions of this ordinance and the rules and regulations issued by the State of Wisconsin.

b. **Records.** The Electrical Inspector shall keep complete records of all applications received, permits issued, inspections made and other official work performed under the provisions of this ordinance.

(5) Authority.

a. The Electrical Inspector may enter any public or private buildings or business places in the discharge of his or her duties.

b. The Electrical Inspector may dismantle any dangerous and improper electrical installations. He or she may turn off all electrical currents to any equipment which he or she finds in an unsafe condition; cut or discontinue electrical service in case of emergency and where such electrical currents are dangerous to life or property; or may interfere with the work of the Fire Department. When the Electrical Inspector disconnects or causes to be disconnected electrical current from electrical equipment, he or she shall attach an official notice, tag, lock or seal to such electrical equipment to prevent the use of electricity. No person shall reconnect any equipment thus cut off until written permission is given by the Electrical Inspector.

(6) Inspections. The Electrical Inspector may periodically inspect and check all the electrical installations and appliances on the premises above described within the Town and when such installations or appliances are found to be in a dangerous or unsafe condition, the Electrical Inspector shall notify the person owning, using, operating or installing the same to place them in a safe condition within 15 days after the receipt of such notice. The Electrical Inspector may order the discontinuance of electrical service to such defective wires or appliances until they have been repaired, removed or changed as directed by the Electrical Inspector, subject to the limitations of this ordinance.

(7) Right To Entry. The Electrical Inspector shall have the right to enter upon public or private property during reasonable hours to inspect work performed or existing as provided by this ordinance. Where entry is refused, the Electrical Inspector may seek an inspection warrant as provided in sections 66.122 and 66.123 of the Wisconsin Statutes.

(8) Orders.

a. Where the Electrical Inspector finds electrical installations that are dangerous, unsafe or not in compliance with codes relating to electrical work and installations, he or she shall issue written orders notifying the owner of the premises of the condition. Such orders shall fix a time by which repairs shall be made. The orders shall be served:

1. By delivery to the owner personally or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion;

2. By certified or registered mail addressed to the owner at his or her last known address with postage prepaid thereon; or

3. By posting and keeping posted for 24 hours a copy of the notice in placard form in a conspicuous place on the premises.

b. Where the owner, after proper notice and expiration of the time for compliance, has failed or refused to make the required repairs, the Electrical Inspector may issue one or more citations for failure to make the repairs. The issuance of such citations may be in addition to any other remedies prescribed in this ordinance.

(b) **Prohibited Practices.** The owner, operator or occupant of any premises shall not employ any person to alter, install or repair electrical wires and apparatus for the utilization of electrical contractor or a licensed employee of the electrical contractor, except in the usual operation of a public utility company or manufacturing plant.

(c) **Electrical Permits.**

(1) **General.** A permit shall be issued by the Electrical Inspector to an electrician certified by the State of Wisconsin or to a qualified homeowner prior to any work started or caused to be started on new or remodeled installations, temporary or permanent, or for making extensions and/or changes to existing wiring systems for heat, light or power upon premises, inside or outside and/or attached to buildings or structures of any character. No person shall perform any electrical work without first obtaining such permit, except as provided in sub. (2).

(2) **Exceptions.**

a. This section shall not prohibit any bona fide owner from personally installing wiring in or on a single family dwelling to be occupied by such bona fide owner as his home, provided he abides by the following rules and regulations:

1. Submits plans and specifications to the Electrical Inspector for approval.

2. Satisfies the Electrical Inspector as to his ability and qualifications to install electrical wiring.

3. Makes application and secures an electric permit before commencing electrical work of any character.

4. Files an affidavit that he is a bona fide owner and will personally install the work covered by his permit, and that he will not contract or hire any other person to do any part of the wiring covered by the owner's permit.

5. An owner exercising this privilege shall conform to all the requirements of this ordinance not inconsistent herewith, and shall not employ anyone to assist him with the electrical installation.

b. No permits shall be required for the usual operations of a local public utility company.

(3) **Work to Commence Within Six Months.** All electrical permits shall be void unless work has commenced within 6 months from the date of original issue. Where work has commenced within 6 months, the electrical permit shall expire by limitation one year from the date

of original issue. Where the work has been carried on with reasonable diligence, the permit may be renewed upon application for renewal and payment of the required renewal fee.

(4) **Electrical Permits, Fees.** Permit fees for electrical installations shall be set by the Town Board. If the licensee fails to obtain a permit before an electrical installation has been started, the total fees for such permit shall be double the regular fee. No further permits shall be issued to any licensee until all arrears in fees have been paid and all lawful orders of the Electrical Inspector have been complied with.

(5) **Payment of Fees to Town Clerk.** All permit fees shall be paid to the Town Clerk and no permit shall be issued or valid unless approved by the Electrical Inspector and the fee paid to the Town Clerk in the amount required for such permit.

(6) **Temporary Work Permit.** On applying for permit for temporary electrical work, a specified period of time for which such wiring is to remain in service shall be stated. Service shall be cut off at the end of this period and shall not again be connected without written permission from the Electrical Inspector.

(7) **Emergency Work Permit.** In emergency work, the person doing or causing work to be done shall report the same to the Electrical Inspector immediately after beginning work, on forms furnished by the Electrical Inspector and such work shall be in accordance with this ordinance.

(8) **Posting of Notice by Holder of Permit.** Red tags, furnished by the Town, bearing the electrician's name and the permit number and stating that the job has not been inspected, shall be displayed by the electrician, in a conspicuous place on all jobs that require an electrical permit and remain there until the work is complete and approved by the Electrical Inspector. They will then be removed by such Inspector and replaced by a white tag if the work is approved. The red tag shall not be removed by anyone except the Electrical Inspector.

(d) **Electrical Inspection Requirements.** Upon the completion of the wiring of any building on or before any wiring is to be hidden from view, the person doing the same shall notify the Electrical Inspector and he or she shall inspect the installation within 48 hours of the time such notice is received. If, upon inspection, it is found that such installation is fully in compliance with this ordinance and does not constitute a hazard to life or property, the Inspector shall approve the same and authorize concealment of such wiring or connection for electrical service. If the installation is incomplete or not strictly in accordance with this ordinance, the Inspector shall issue orders to the person installing the same to remove all hazards, and make necessary changes and additions within 10 days. Concealment of electrical work before inspection, or failure to comply with the orders of the Electrical Inspector shall constitute a violation of this ordinance.

(e) **Appeal.** When the Electrical Inspector condemns all or part of the electrical installation in any building, the owner and/or electrician, within 10 days after receiving written notice from the Electrical Inspector, may file a petition in writing for review of such action of the Electrical Inspector with the Board of Adjustment. Upon receipt of such notice, the Board shall at once proceed to determine whether such electrical construction complies with this ordinance, and within 14 days shall make a decision in accordance with its findings.

(f) **State Electrical Code.** The State of Wisconsin Electrical Code, Ch. Comm. 16, Wis. Adm. Code, and all amendments thereto, is adopted and incorporated in this ordinance by reference. By adoption of Ch. Comm. 16, this ordinance adopts the National Electrical Code and the Wisconsin omissions from, and changes or additions thereto, as set forth in Ch. Comm. 16.

(g) **Penalty.** Any person who violates any provision of this ordinance, or any order, rule or regulation made or adopted hereunder, shall be subject to a forfeiture.

Section 13.03 PLUMBING CODE

(a) Administration and Enforcement.

(1) The design and installation of all plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplies, storm water and sewage disposal, shall comply with the requirements of this ordinance.

(2) To enforce the provisions of this ordinance, there is hereby authorized and established the position of Plumbing Inspector. The Plumbing Inspector shall, under the direction of the Town Board, be responsible for the inspection of plumbing, water supply and drainage installations in conformity with the requirements of this ordinance. The Plumbing Inspector shall also be responsible for:

a. The inspection of water and gas services as to their depth below grade, manner of construction materials and workmanship.

b. The supervision and inspection of replacing of earth, pavements and sidewalks made necessary by plumbing work in compliance with Town standards.

c. The inspection of installation and design of all plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplies, storm sewer and sewage disposal.

d. Such other duties as may be assigned to him or her by the Town Board.

(b) **Purpose and Intent.** It is the purpose and intent of this ordinance to establish minimum plumbing standards in terms of performance objectives, implemented by specific requirements, which will provide reasonable safeguards for sanitation to protect the public health against hazards of inadequate, defective or unsanitary plumbing installations.

(c) **Maintenance.** All plumbing and drainage systems, both new and existing, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices and safeguards which are required by this ordinance shall be maintained in good working order. The owner or his or her designated agent shall be responsible for the maintenance of plumbing and drainage systems.

(d) **State Plumbing Code Adopted.** The State of Wisconsin Plumbing Code, Chs. Comm. 82 to 87, Wis. Adm. Code, and Ch. 145, Wis. Stats., are hereby adopted by reference and incorporated into this ordinance.

(e) **Plumbing Permits.**

(1) **Required.** Any person desiring to do plumbing shall file a permit application with the Town before starting any work. The permit application shall be made on forms provided by the Town. All forms shall be properly, completely and legibly filled out and shall be signed by a person qualified as a licensed plumber registered with the State of Wisconsin. A permit is not required when minor repairs are made to part of an existing plumbing system. The applicant shall furnish drawings illustrating the work to be done when deemed necessary by the Plumbing Inspector.

(2) **Information Required.** The person responsible for the work shall sign the permit application and provide the name, address and telephone number of the person or firm and the plumber's license number in the space provided on the application form.

(3) **Issuance of Permit.** Permits for work shall be issued within 10 working days of receipt of the properly completed application to holders of qualified licenses issued by the State. The issuance of a permit shall not be construed as a plan approval or approval for noncode complying designs or installations. Where work is done before review, any noncode complying portions of the plumbing work shall be removed or replaced.

(4) **Work to Commence Within Six Months.** All plumbing permits shall be void unless work has commenced within 6 months from the date of original issue. Where work has commenced within 6 months, the plumbing permit shall expire by limitation one year from the date of original issue. Where the work has been carried on with reasonable diligence, the permit may be renewed upon application for renewal and payment of the required renewal fee.

(f) **License Required.**

(1) **General.** No person shall perform any plumbing in the Town without holding a qualified license issued by the State of Wisconsin. All work done under a permit issued to a licensed plumber shall be under the control and supervision of the person to whom the permit is issued and that person shall be responsible for all of the work done under the permit.

(2) **Exceptions.** This section shall not prohibit any bona fide owner from personally installing plumbing in or on a single family dwelling to be occupied by such bona fide owner as his home, provided he abides by the following rules and regulations:

a. Submits plans and specifications to the Plumbing Inspector for approval.

b. Satisfies the Plumbing Inspector as to his ability and qualifications to install plumbing.

c. Makes application and secures a plumbing permit before commencing plumbing work of any character.

d. Files an affidavit that he is a bona fide owner and will personally install the work covered by his permit, and that he will not contract or hire any other person to do any part of the plumbing covered by the owner's permit.

e. An owner exercising this privilege shall conform to all the requirements of this ordinance not inconsistent herewith, and shall not employ anyone to assist him with the plumbing installation.

(g) **Plan Review and Approval.** Plans and specifications for plumbing to be installed in the Town shall be submitted and approved pursuant to the provisions of Comm. 82.20 Wis. Adm. Code. No work shall commence until the plan review has been completed and written authorization to begin work has been issued.

(h) **Inspections.**

(1) **Required.** All plumbing work within buildings and exterior plumbing on private property within the Town shall be inspected.

(2) **Notification for Inspection.** The plumber to whom the permit has been issued, or his or her agent, shall notify the Plumbing Inspector when the work is ready for inspection and shall specify the street address and permit number under which the work is being done. Unless otherwise permitted by the plumbing inspector, all plumbing work shall be left uncovered until inspected and approved. The person making the request for inspection shall make such arrangements as will enable the Plumbing Inspector to reach all parts of the building and shall provide the equipment and labor for making tests of the system.

(3) **Final Inspection.** The plumber to whom the permit is issued, or his or her agent, shall notify the Plumbing Inspector when the work is completed and ready for final inspection. The person making the request for final inspection shall make arrangements for entry into all parts of the building where the inspection is to be performed.

(4) **Right To Entry.** The Plumbing Inspector shall have the right to enter upon public or private property during reasonable hours to inspect work performed or existing as provided by this ordinance. Where entry is refused, the Plumbing Inspector may seek an inspection warrant as provided in sections 66.122 and 66.123 of the Wisconsin Statutes.

(i) **Well Construction and Pump Installation.** Construction of wells and installation of pumps shall be done in accordance with Ch. NR 812, Wis. Adm. Code, which

is adopted by reference and made a part of this ordinance.

(j) **Private Well Abandonment.** The permanent abandonment of unused or contaminated wells or drill holes and noncomplying water systems shall be done in accordance with NR 812.26, Wis. Adm. Code, which is adopted by reference and made a part of this ordinance.

(k) **Permit Fees.**

(1) **Required.** Permit fees shall be submitted with the plumbing permit application and shall be made payable to the Town. Any person who has failed to pay previous permit fees shall be denied the right to receive permits until all such previous fees are paid in full.

(2) **Fees.** Fees shall be established by the Town Board.

(l) **Penalty.**

(1) Any person who shall violate any provision of this ordinance shall be subject to a forfeiture.

(2) If it appears that any person is violating any provision of this ordinance, the Town may, in addition to, or in lieu of any other remedies provided by law, bring action against such person to enjoin such violation.

Section 13.04 ADDRESS SYSTEM

(a) **Intent.** This ordinance is intended to establish a uniform address and numbering system for the Town of Turtle and to provide for the administration, control and enforcement of the Rock County (County-wide) Address System in the Town of Turtle.

(b) **Adoption of System.** The numbering and address system as adopted and administered by Rock County is hereby established as the address system for the Town of Turtle. All building numbering signs shall comply with the specifications of the Rock County ordinance as administered. Pre-existing posts may be used if approved by the Rock County Planning and Development Committee. As part of the County System, the City of Beloit System will be extended to part of the Town of Turtle.

(c) **Location of Signs.** Every residence farm and business with buildings shall install address signs by the road serving the building or buildings. Second signs may be permitted on the building. Address signs shall be installed so that the frame is parallel to the roadway and not less than three (3) feet from the top of the back slope of the ditch line of the road's right-of-way, and approximately ten (10) feet from the driveway serving the building or buildings. Address signs shall be installed approximately 48 inches above ground level on the post provided with the initial installation or on a replacement post as authorized by Town employees. For the benefit of emergency personnel and wherever the

physical conditions will permit, all address signs shall be located to the right of the entrance driveway when facing the premises from the highway.

(d) Damage to Signs:

(1) No person shall wilfully damage or destroy any sign erected or maintained under the provisions of this Ordinance.

(2) Any person who damages or destroys an address sign by accident shall be required to immediately report this incident to the Town of Turtle. Wilful failure to report accidental damage or destruction is a violation of this Ordinance.

(3) Property owners shall have responsibility for new numbers and the replacement of damaged or destroyed signs on their property.

(4) Upon refusal to replace a sign, a written warning will be issued by the Building Inspector and the owner shall be given 30 days to replace the sign. For failure to do so, the Town will replace the sign and charge the cost to the property owner as a lien on the real estate.

(5) No person shall interfere with or move an address sign as originally installed on the posts provided unless specific authorization has been given by a Town employee or representative of the Town Board.

Section 13.05 CONSTRUCTION SITE EROSION CONTROL

(a) **Authority.** This ordinance is adopted under the authority granted by section 60.627 of the Wisconsin Statutes.

(b) Findings and Purpose.

(1) **Findings.** The Town Board finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the Town of Turtle.

(2) **Purpose.** It is the purpose of this ordinance to preserve the natural resources; to protect the quality of the waters of the Town of Turtle; and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to lakes, streams and wetlands.

(c) **Applicability.** This ordinance applies to all land disturbing construction activity on construction sites located within the boundaries and jurisdiction of the Town of Turtle.

(d) Definitions.

(1) “Agricultural land use” includes use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock, including sod farms and tree nurseries, but does not include the construction of buildings or facilities used for agriculture.

(2) “Best management practice” or “BMP” means a practice, technique or measure which is determined to be an effective means of preventing or reducing runoff pollutants to waters of the state, to a level compatible with the pollution control requirements in Subsection (g)(2) of this ordinance.

(3) “COMM” means the Wisconsin Department of Commerce.

(4) “Construction site” means an area upon which one or more land disturbing construction activities are occurring, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

(5) “Erosion” means the detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.

(6) “Erosion and sediment control plan” means a comprehensive plan developed to address pollution caused by soil erosion and sedimentation during construction.

(7) “Final stabilization” means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of 70% of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.

(8) “Land disturbing construction activity” means any man-made change of the land surface resulting in a change in the topography, existing vegetative and non-vegetative soil cover or the existing soil topography which may result in storm water runoff and lead to increased soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes, but is not limited to, clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, but does not include agricultural land uses or silviculture activities.

(9) “Landowner” means any person holding title to or having an interest in land.

(10) “Land user” means any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

(11) “Maximum extent practicable” means a level of implementing best management practices in order to achieve a performance standard which takes into account the best available technology, cost effectiveness and the degree or extent to which best management practices can be implemented. Maximum extent practicable allows flexibility in the ways to meet the performance standards and will vary based on the performance standard and site conditions.

(12) “Municipal storm sewerage facility” means catch basins, storm sewer

pipes, pumps and lift stations.

(13) “Runoff” means the rainfall, snow melt, or irrigation water flowing over the ground surface.

(14) “Site” means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

(15) “Town” means Town of Turtle.

(16) “Waters of the state” has the meaning in section 281.01(18) of the Wisconsin Statutes.

(e) Design Criteria, Standards and Specifications for Best Management Practices (BMPs) All BMPs required to comply with this ordinance shall meet the design criteria, standards and specifications for the BMPs based on accepted design criteria, standards and specifications identified in the Wisconsin Construction Site Best Management Practice Handbook, WDNR Pub. WR-222 November 1993 Revision.

(f) Management of BMPs. All BMP measures necessary to meet the requirements of this ordinance shall be maintained by the applicant for a permit issued under Subsection (h) or subsequent landowner throughout the duration of the construction activities until the site has undergone final stabilization.

(g) Control of Erosion and Pollutants During Land Disturbing Construction Activity.

(1) General Applicability. These general applicability provisions apply to the following land disturbing construction activity, excluding that otherwise regulated under ss. COMM 21.125 and COMM 50.115 Wis. Admin. Code.

a. Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other activity affecting a surface area of 4,000 square feet or more;

b. Those involving excavation or filling or a combination of excavation and filling affecting 400 cubic yards or more of dirt, sand or other excavation or fill material;

c. Those involving street, highway, road, or bridge construction, enlargement, relocation or reconstruction;

d. Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of 300 feet or more;

e. Those requiring a subdivision plat approval; or

f. Those requiring a certified survey.

(2) Erosion and Other Pollutant Control Requirements. All BMPs must be designed, installed, applied, and maintained to the maximum extent practicable in accordance with an erosion and sediment control plan designed to limit sediments and other pollutants from entering waters of the state or municipal storm sewerage facilities. The BMPs may be located on or off the construction site but shall achieve the required pollutant control prior to the discharge entering waters of the state or municipal storm sewerage facilities. The BMPs shall be designed to reduce pollutants from the construction site to the maximum extent practicable including, but not limited to, pars. (a) through (h).

a. Control sediment carried in runoff to reduce the annual average sediment load by 80% as compared to no sediment controls unless a lower level of control is justified under par. (b).

b. If 80 percent of the average annual sediment load will not be controlled from the site by design, then the erosion and sediment control plan shall include a reasonable justification for not controlling 80 percent of the annual average sediment load from the site as compared to no sediment controls.

c. Minimize tracking of sediment from the site onto roads and other paved surfaces. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday. Sediment tracked by construction equipment from a site onto a public or private paved road or sidewalk shall be minimized by providing a non-tracking access roadway. The access roadway shall be installed as approved on the plan. The sediment cleanup provisions of par. (f) below are unaffected by the presence or absence of an access roadway.

d. Assure proper use, storage and disposal of chemicals, cement and other compounds used on construction sites. All building material waste shall be properly managed and disposed of to prevent pollutants and debris from being carried off site by runoff.

e. Minimize the discharge of sediment as part of site de-watering.

f. Clean up sediments deposited on roadways. The end of the next working day following the occurrence, clean up off-site sediment deposition occurring as a result of a storm event. All other off-site sediment deposition occurring as a result of construction activities shall be cleaned up at the end of the workday.

g. Provide storm sewer inlet protection. All downslope storm sewer inlets shall be protected.

h. Other measures necessary to achieve par. (a).

(h) Permit - Application, Erosion and Sediment Control Plan, and Permit Issuance. No landowner or land user may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Town. At least one landowner or land user controlling or using the site and

desiring to undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan and pay an application fee in an amount to be determined by the Town. By submitting an application, the applicant is authorizing the Town to enter the site to obtain information required for the review of the erosion and sediment control plan.

(1) Content of the Erosion and Sediment Control Plan for Land Disturbing Construction Activities Covering One or More Acres.

a. The erosion and sediment control plan shall be prepared in accordance with good engineering practices and the design criteria, standards and specifications outlined in the Wisconsin Construction Site Best Management Practice Handbook (WDNR Pub. WR-222 November 1993 Revision).

b. The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:

1. Description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a USGS 7.5 minute series topographic map.

2. Description of the intended sequence of major activities which disturb soils for major portions of the site, such as grubbing, excavation or grading.

3. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.

4. Estimates, including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed.

5. Existing data describing the surface soil as well as subsoils.

6. Depth to groundwater, as indicated by natural resources conservation service soil information where available, except when permanent infiltration systems are used, the depth to groundwater shall be as outlined in par. (a).

7. Name of the immediate named receiving water from the United States geological service 7.5 minute series topographic maps.

c. When permanent infiltration systems are used, the erosion and sediment control plan shall specify appropriate on-site testing shall be conducted to determine if seasonal high water is within 5 feet of the bottom of the proposed practice. If permanent infiltration structures are to be used and there is a municipal well within 400 feet, or a non-public well within 100 feet, the groundwater flow shall be identified in accordance with the provisions specified in either Chapter NR 110 or NR 214 of the Wisconsin Administrative Code.

d. The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet:

1. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and flood ways shall also be shown.

2. Boundaries of the construction site.

3. Drainage patterns and approximate slopes anticipated after major grading activities.

4. Areas of soil disturbance.

5. Location of major structural and non-structural controls identified in the plan.

6. Location of areas where stabilization practices will be employed.

7. Areas which will be vegetated following construction.

8. Wetlands, area extent of wetland acreage on the site and locations where storm water is discharged to a surface water or wetland.

9. Locations of all surface waters and wetlands within one mile of the construction site.

10. Alphanumeric or equivalent grid overlying the entire construction site map.

e. Each erosion and sediment control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall be at the same scale as the existing site map and shall clearly show the site changes. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:

1. Description of interim and permanent stabilization practices, including a practice implementation schedule. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.

2. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Planning Commission, structural measures shall be installed on upland soils.

controlled by outfall controls.

3. Management of overland flow at all sites, unless otherwise

4. Trapping of sediment in channelized flow.

5. Staging construction to limit bare areas subject to erosion.

6. Protection of downslope drainage inlets where they occur.

7. Minimization of tracking at all sites.

8. Clean up of off-site sediment deposits.

9. Proper disposal of building and waste materials at all sites.

10. Stabilization of drainage ways.

11. Control of soil erosion from dirt stock piles.

12. Installation of permanent stabilization practices as soon as possible after final grading.

13. Minimization of dust to the maximum extent practicable.

f. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

g. If 80 percent of the sediment will not be controlled, by design, from the area of land disturbing construction activity, then the erosion and sediment control plan shall include a reasonable justification for not controlling 80 percent of the sediment from the area of land disturbing construction activity as compared to no sediment controls.

(2) Content of the Erosion and Sediment Control Plan Statement for Land Disturbing Construction Activities Covering Less Than One Acre. A control plan statement (with simple map) that briefly describes the site and best management practices (including the site development schedule) that will be used to meet the requirements of the ordinance shall be submitted to the Town.

(3) Review of the Erosion and Sediment Control Plan. Within 45 days of receipt of the application, erosion and sediment control plan or control plan statement, and fee the Town shall review the application and control plan to determine if the requirements of this ordinance are met. The Town may request comments from other departments or agencies. If the requirements of this ordinance are met, the Town shall approve the plan, inform the applicant and authorize a permit to be issued. If the conditions are not met, the Town shall inform the applicant in writing and may either require needed information or disapprove the plan. Within 30 days of receipt of needed

information, the Town shall again determine if the plan meets the requirements of this ordinance. If the plan is disapproved, the Town shall inform the applicant in writing of the reasons for the disapproval.

(4) Permits.

a. **Duration.** Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Town may extend the period one or more times for up to an additional 180 days. The Town may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this ordinance.

b. **Surety Bond.** As a condition of approval and issuance of the permit, the Town may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions.

c. **Permit Conditions.** All permits shall require the permittee to:

1. Notify the Town within 48 hours of commencing any land disturbing construction activity.
2. Notify the Town of completion of any BMPs within 14 days after their installation.
3. Obtain permission in writing from the Town prior to modifying the erosion and sediment control plan.
4. Install all BMPs as identified in the approved erosion and sediment control plan.
5. Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
6. Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site erosion control log.
7. Inspect the BMPs after each rain of 0.5 or more and at least once each week, make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection and the name of the person conducting the inspection.
8. Allow the Town to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan; and
9. Keep a copy of the erosion and sediment control plan at the construction site.

(i) Inspection.

(1) The Town shall inspect any construction site that holds a permit under Subsection (h) at least once a month during the period starting March 1 and ending October 31 and at least 2 times during the period starting November 1 and ending February 28 to ensure compliance with the approved sediment and erosion control plan.

(2) If land disturbing construction activities are being carried out without a permit required by this ordinance, the Town may enter the land pursuant to the provisions of sections 66.122 and 66.123 of the Wisconsin Statutes.

(j) Enforcement.

(1) The Town may post a stop-work order if:

a. Any land disturbing construction activity regulated under this ordinance is being undertaken without a permit;

b. The erosion and sediment control plan is not being implemented in a good faith manner; or

c. The conditions of the permit are not being met.

(2) If the permittee does not cease activity as required in a stop-work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions within 10 days of being notified by the Town, the Town may revoke the permit.

(3) If the landowner or land user where no permit has been issued does not cease the activity within 10 days of being notified by the Town, or if a landowner violates a stop-work order posted under sub. (a), the Town may request the Town Attorney to obtain a cease and desist order in any court with jurisdiction.

(4) The Town may retract the stop-work order issued under paragraph (1) or the permit revocation under paragraph (2).

(5) Ten days after posting a stop-work order under paragraph (1), the Town may issue a notice of intent to the permittee or landowner or land user of its intent to perform work necessary to comply with this ordinance. The Town may go on the land and commence the work after 14 days from issuing the notice of intent. The costs of the work performed by the Town, plus interest at the rate authorized by Town shall be billed to the permittee or the landowner. In the event a permittee or landowner fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special charge against the property pursuant to section 66.60(16) of the Wisconsin Statutes.

(6) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00 and the costs of prosecution, including attorney fees, for each violation. Each day a violation exists shall constitute a separate offense.

(7) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction.

Section 13.06 STORM WATER MANAGEMENT

(a) Authority.

(1) This ordinance is adopted by the Town Board under the authority granted by section 60.627 of the Wisconsin Statutes.

(2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the Town.

(3) The requirements of this ordinance do not pre-empt more stringent storm water management requirements that may be imposed by any of the following:

a. Department of Natural Resources administrative rules, permits or approvals including, but not limited to, those authorized under section 283.33 of the Wisconsin Statutes.

b. Targeted non-agricultural performance standards promulgated in rules by the Department of Natural Resources under NR 151.003 of the Wisconsin Administrative Code.

c. Technical standards for implementing non-agricultural performance standards developed by the Department of Natural Resources under subchapter IV of NR 151 of the Wisconsin Administrative Code.

(b) **Findings of Fact.** The Town Board finds that uncontrolled storm water runoff from land development and land redevelopment activity has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled storm water runoff can:

(1) degrade physical stream habitat by increasing stream bank erosion, increasing stream bed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature;

(2) diminish the capacity of lakes and streams to support fish, aquatic life, recreational, and water supply uses by increasing loadings of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants;

(3) alter wetland communities by changing wetland hydrology and by increasing pollutant loads;

(4) reduce the quality of groundwater by increasing pollutant loading;

(5) threaten public health, safety, property, and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities;

(6) threaten public health, safety, property, and general welfare by increasing major flood peaks and volumes; and

(7) undermine floodplain management efforts by increasing the incidence and levels of flooding.

(c) Purpose and Intent.

(1) **Purpose.** The general purpose of this ordinance is to set forth long-term, post-construction storm water requirements and criteria which will diminish the threats to public health, safety, welfare, and the aquatic environment due to runoff of storm water from land development and land redevelopment activity. Specific purposes are to:

a. further the maintenance of safe and healthful conditions;

b. prevent and control the adverse effects of storm water, prevent and control soil erosion, prevent and control water pollution, protect spawning grounds, fish, and aquatic life;

c. control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particular matter; prevent conditions that endanger downstream property; and

d. control building sites, placement of structures, and land uses, and promote sound economic growth.

(2) **Intent.** It is the intent of the Town Board that this ordinance manage the long-term, post-construction storm water discharges from land development and land redevelopment activities by achieving a specific set of performance standards at locations where it applies. This ordinance can be applied on a site-by-site basis. The Town Board recognizes, however, that the preferred method of achieving the storm water performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level storm water management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe alternative applicability and performance standards for specific sites when the overall performance standards can be met in more cost-effective approach. Where such plans have been developed and approved by the Town Board, it is the intent of this ordinance that land development and redevelopment activity will be required to meet the storm water management measures set forth in the approved plan.

(d) Definitions.

(1) “Agricultural activity” means planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock, including sod farms and tree nurseries, but does not include the construction of buildings or facilities used for agriculture.

(2) “Best management practice” or “BMP” means a practice, technique or

measure which is determined to be an effective means of preventing or reducing runoff pollutants to waters of the state, to a level compatible with the performance standards in section 7 of this ordinance.

(3) “Business day” means a day the office of the Town of Turtle Service Center is routinely and customarily open for business.

(4) “Cease and desist order” means a court-issued order to halt land development and land redevelopment activity that is being conducted without the required permit.

(5) “Common plan of development or sale” means an area where multiple separate and distinct land developing activities may be taking place at different times on different schedules but under one plan.

(6) “Design storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total rainfall depth.

(7) “Discharge volume” means the quantity of runoff discharged from the land surface as the result of a rainfall event.

(8) “Division of land” means the creation from one parcel of five or more parcels or building sites where such creation occurs at one time or through the successive partition within a 5 year period.

(9) “Extra-territorial” means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1-1/2 miles of a fourth class city or village.

(10) “Fee in lieu” means a payment of money to the Town Board in place of meeting all or part of the storm water performance standards required by the ordinance.

(11) “Financial guarantee” means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Town by the permit holder to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.

(12) “Impervious surface” means a land cover that releases as runoff all or a large portion of the precipitation that falls on it. Rooftops, sidewalks, driveways, parking lots and streets are examples of surfaces that typically are impervious.

(13) “Infiltration” means the process by which rainfall or surface runoff passes into or through the underlying soil.

(14) “Land development activity” means any construction of residential or other urban or suburban development resulting from the conversion of previously undeveloped or agricultural land uses.

(15) “Land redevelopment activity” means new development that is replacing

older development.

(16) “Maintenance agreement” means a legal document that is filed with the Rock County Register of Deeds as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

(17) “Non-storm discharge” means a discharge to the storm sewer system created by some process other than storm water runoff.

(18) “Non-structural measure” means a practice, technique, or measure to reduce the volume, peak flow rate, or pollutants in storm water that does not require the design or installation of fixed storm water management facilities.

(19) “Off-site” means located outside the property boundary described in the permit application for land development or land redevelopment activity.

(20) “Other than residential development” means development which is not residential. This includes the following land uses: commercial; industrial; government and institutional; recreation; transportation, communication, and utilities.

(21) “On-site” means located within the property boundary described in the permit application for the land development or land redevelopment activity.

(22) “Peak flow discharge rate” means the maximum unit volume of storm water discharged during a specified unit of time.

(23) “Performance standard” means a measurable number of measurable narrative for a pollution source specifying the minimum acceptable outcome for a facility or practice.

(24) “Permit” means a written authorization made by the Town to the applicant to conduct land development or land redevelopment activities.

(25) “Permit administration fee” means a sum of money paid to the Town by the permit applicant for the purpose of recouping the expenses incurred by the Town in administering the permit.

(26) “Pervious surface” means a surface that infiltrates rainfall during a large portion of the design rainfall event. Lawns, fields and woodlands are examples of pervious surfaces.

(27) “Post-construction storm water discharge” means any storm water discharged from a site following the completion of land disturbing construction activity and final site stabilization.

(28) “Post-development condition” means the extent and distribution of land cover types anticipated to occur under conditions of full development, that will influence storm water runoff and infiltration.

(29) “Pre-development condition” means the extent and distribution of land

cover types present before the initiation of land development or land redevelopment activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

(30) “Pre-treatment” means the treatment of storm water prior to its discharge to the primary storm water treatment practice in order to reduce pollutant loads to a level compatible with the capability of the primary practice.

(31) “Residential development” means that which is created to house people, including the residential dwellings as well as all attendant portions of the development including lawns, driveways, sidewalks, garages, and access streets. This type of development includes single family, multi-family, apartments, and trailer parks.

(32) “Site restriction” means any physical characteristic which limits the use of a storm water best management practice or management measure.

(33) “Source area” means a component of urban land use from which storm water pollutants are generated during periods of snowmelt and rainfall runoff. Source areas include rooftops, sidewalks, driveways, parking lots, storage areas, streets and lawns.

(34) “Stop work order” means an order issued by the Town which requires that all construction activity on the site be stopped.

(35) “Storm water management plan” means a document that identifies what actions will be taken to reduce storm water quantity and pollutant loads from land development and land redevelopment activity to levels that meet the purpose and intent of this ordinance.

(36) “Storm water management system plan” is a comprehensive plan developed to address storm water drainage and nonpoint source pollution control problems on a watershed or sub-watershed basis, and which meets the purpose and intent of this ordinance.

(37) “Storm water runoff” means that portion of the precipitation falling during a rainfall event, or that portion of snow-melt, that runs off the surface of the land and into the natural or artificial conveyance or drainage network.

(38) “Structural measure” means source area practices, conveyance measures, and end-of-pipe treatment that are designed to control storm water runoff pollutant loads, discharge volumes, and peak flow discharge rates.

(39) “Storm sewer system” means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains which is designed for collecting water or conveying storm water.

(40) “Targeted performance standard” means a performance standard, promulgated under NR 151.004 of the Wisconsin Administrative Code that will apply in a specific area and that will require additional storm water controls in order to meet water quality standards.

(41) “Town” means Town of Turtle.

(42) “Waters of the state” means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within Wisconsin or its jurisdiction.

(43) “Wetland functional value” means the type, quality, and significance of the ecological and cultural benefits provided by wetland resources, such as: flood storage, water quality protection, groundwater recharge and discharge, shoreline protection, fish and wildlife habitat, floral diversity, aesthetics, recreation, and education.

(44) “Wetlands” means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. These wetlands include natural, mitigation, and restored wetlands.

(45) “WPDES Storm Water Permit” means a permit issued by the Wisconsin Department of Natural Resources under section 283.33 of the Wisconsin Statutes that authorizes the point source discharge of storm water to waters of the state.

(e) Applicability and Jurisdiction.

(1) **Applicability.** Except as described below, this ordinance applies to construction sites, including land development and redevelopment, upon which land disturbing construction activity affects one or more acres of land.

a. This ordinance applies to land development and land redevelopment activities that are smaller than one acre if such activities are part of a larger common plan of development or sale that in total affects one or more acres.

b. This ordinance applies to land development and land redevelopment activity of any size that, in the opinion of the Town, is likely to result in storm water runoff which exceeds the safe capacity of the existing drainage facilities or receiving body of water, which causes undue channel erosion, which increases water pollution by scouring or the transportation of particulate matter or which endangers property or public safety.

c. This ordinance does not apply to redevelopment sites with no exposed parking lots or roads.

d. For sites with less than 10% connected impervious surfaces (based on the completed development of the site), this ordinance applies only to parking lots and rooftops with a cumulative area of one or more acres.

(2) **Jurisdiction.** This ordinance applies to land development and land development activities within the boundaries of the Town.

(f) **Technical Standards.** The following methods shall be used in designing the water quality, peak flow shaving and infiltration components of storm water practices needed to meet

the water quality standards of this ordinance:

(1) Technical standards developed and disseminated by the Department of Natural Resources under subchapter IV of NR 151 of the Wisconsin Administrative Code.

(2) Where technical standards have not been developed and disseminated by the Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the Town.

(g) Storm Water Performance Standards.

(1) **Storm Water Discharge Quantity.** Unless otherwise provided for in this ordinance, all land development and land redevelopment activities subject to this ordinance shall establish on-site management practices to control the peak flow rates of storm water discharged from the site and to preserve base flow in streams. The BMPs shall be designed, installed or applied and maintained to the maximum extent practicable in ordinance with a storm water management plan for the long-term control of post-construction storm water discharges. All of the following apply:

a. By design, maintain or reduce the peak runoff discharge rates as compared to pre-development conditions for the 2- and 10-year, 24-hour design storms applicable to the site assuming “good hydrologic conditions” for pre-development land covers as identified in TR-55 or an equivalent methodology. When pre-development land cover is cropland, the runoff curve numbers in Table 1 shall be used. This paragraph is not applicable to a site that discharges directly to a lake.

Table 1 - Maximum Pre-Development Runoff Curve Numbers for Cropland Areas

Hydrologic Soil Group	A	B	C	D
Runoff Curve Number	55	68	77	80

b. Discharge velocities must be non-erosive to discharge locations, outfall channels, and receiving streams.

c. By design, infiltrate initial runoff from the site in accordance with either subd. 1. or 2, except as provided in subd. 3.

1. The inches of initial runoff to be infiltrated across the site per runoff event shall be equal to or greater than the levels given in Table 2.

Table 2 - Inches of Initial Runoff to be Infiltrated across the Site Per Runoff Event

Hydrologic Soil	1 & 2 Family Residential Land Use	Land Uses Other than 1 & 2
Group		Family Residential
A	0.26	0.40
B	0.23	0.30
C	0.12	0.14

2. The inches of initial runoff to be infiltrated across the site per runoff event shall be equal to or greater than the levels calculated using the following equation: I

= CI x F. “I” is the inches of initial runoff to be infiltrated across the site per runoff event. “CI” is the percent of connected imperviousness across the site. “F” is a factor defined as follows:

(aa) For one and 2 family residential land use, “F” shall have a value of 0.62 for type A, 0.55 for type B and 0.28 for type C hydrologic soil groups.

(bb) For land use other than one and 2 family residential, “F” shall have a value of 0.44 for type A, 0.33 for type B and 0.15 for type C hydrologic soil groups.

3. Runoff from the following areas and conditions are exempt from meeting this paragraph:

(aa) Areas associated with industrial manufacturing including storage, loading, rooftop and parking.

(bb) Storage and loading areas of non-manufacturing industries. Parking and rooftop areas are not exempt from this infiltration requirement for non-manufacturing facilities.

(cc) Conditions when infiltration is limited due to frozen ground.

(dd) Areas composed of hydrologic soil group D.

d. Minimize to the extent practical increases or decreases in the hydrology of wetlands. Where such changes are proposed, the impact of the proposal on wetland functional values shall be assessed using a methodology acceptable to the Town. Significant degradation of wetland functional values shall be avoided.

(2) Storm Water Discharge Quality. Unless otherwise provided for in this ordinance, all land development and land redevelopment activities subject to this ordinance shall establish on-site management practices to control the discharge of storm water pollutants. The BMPs shall be designed, installed or applied and maintained, in accordance with a storm water management plan for the long-term control of post-construction storm water discharges, to control total suspended solids and other pollutants carried in runoff to the maximum extent practicable. All of the following apply:

a. By design, reduce the annual average total suspended solids load in runoff by 80% as compared to no controls for the site.

b. If 80% of the total suspended solids load will not be controlled from the site by design, then the storm water management plan shall include a reasonable justification for not controlling 80% of the total suspended solids load from the site as compared to no sediment controls.

c. Petroleum products in runoff from gas station pump areas and vehicle maintenance areas shall be controlled with a properly designed and maintained oil and grease

separator or other equivalent practice, and shall remove all visible sheen from the runoff prior to discharge to waters of the state. A gas station pump area which has a properly designed canopy that catches and directs storm water away from the potential spill areas beneath them and the availability and use of petroleum absorbent pads to immediately clean up spills shall as an equivalent practice to meet this paragraph.

d. Sufficient permanent vegetative cover shall be provided in riparian areas to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas. The minimum width of the riparian area is the width calculated using the procedures in NRCS standard 393, dated January, 1995, or 35 feet, whichever is greater. Riparian area widths are measured from the ordinary high water mark of lakes, streams and wetlands. This paragraph is not applicable to redevelopment sites or to structures that cross or access surface waters such as boat landings, bridges and culverts.

e. Discharge of urban storm water pollutants to wetlands from land development and land redevelopment sites shall be minimized to the extent practical. Where such discharges are proposed, the impact of the proposed discharge on wetland functional values shall be assessed using a method acceptable to the Town. At a minimum, storm water discharges shall be pre-treated prior to discharge to wetlands. Significant degradation of wetland functional values due to storm water pollutant loads shall be avoided.

f. Storm water shall not be injected underground through excavations or openings in a manner that would violate NR 812.05 of the Wisconsin Administrative Code.

g. Storm water ponds and infiltration devices shall not be located closer to water supply wells than as indicated below without first notifying and obtaining approval from the Town:

1. 100 feet from a well serving a private water system or a transient, non-community public water system;

2. 1,200 feet from a well serving a municipal public water system, an other-than municipal public water system, or a non-transient non-community public water system;

3. the boundary of a recharge area to a wellhead identified in a wellhead area protection plan.

(3) **Alternate Requirements.** The Town may establish storm water management requirements either more stringent or less stringent than those set forth in subs. (1) and (2) provided that at least one of the following conditions applies:

- a. The Town determines that an added level of protection is needed to protect sensitive resources.

- b. The Town determines that the land development and land redevelopment activity is covered by an approved storm water management system plan that contains

management requirements consistent with the purpose and intent of this ordinance.

c. Provisions are made to manage storm water by an off-site facility, provided that all of the following conditions for the off-site facility are met:

1. The facility is in place;
2. The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance; and
3. The facility has a legally obligated entity responsible for its long-term operation and maintenance.

d. The Town finds that meeting the minimum on-site management requirements of this ordinance is not feasible due to space or site restrictions.

(4) Fee in Lieu of On-Site Storm Water Management Practices. Where the Town waives under sub. (3) all or part of the minimum on-site storm water management requirements, notwithstanding section (h)(3)a. the applicant shall be required to pay a fee in an amount determined by the Town. The purpose of the fee is to fund alternative municipal storm water management measures to offset the environmental impacts of waiving the requirements. In determining the fee for land development and land redevelopment projects, the Town shall consider an equitable distribution of the cost needed for land, engineering design, construction, and maintenance of storm water management practices.

(5) General Considerations for On-Site and Off-Site Storm Water Management Measures. The following considerations shall be observed in managing storm water runoff:

a. Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.

b. Emergency overland flow for all storm water facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

(h) Permitting Requirements, Procedures and Fees.

(1) Permit Required. No land owner or land operator may undertake a land development or land redevelopment activity subject to this ordinance without receiving a permit from the Town prior to commencing the proposed activity.

(2) Permit Application and Fee. Unless specifically excluded by this ordinance, any land owner or operator desiring a permit shall submit to the Town a permit application made on a form provided by the Town for that purpose.

a. Unless otherwise excepted by this ordinance, a permit application

must be accompanied by the following in order that the permit application be considered for approval by the Town: a storm water management plan, a maintenance agreement and a non-refundable permit administration fee established in Subsection (l) of this ordinance.

b. The storm water management plan shall be prepared to meet the requirements of Subsection (g) of this ordinance, the maintenance agreement shall be prepared to meet the requirements of Subsection (j) of this ordinance, the financial guarantee shall meet the requirements of Subsection (k) of this ordinance, and fees shall be those established by the Town Board as set forth in Subsection (l) of this ordinance.

(3) Review and Approval of Permit Application. The Town shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:

a. Within 30 business days of the receipt of a complete permit application, including all items as required by Subsection (h)(2)a., the Town shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved. The Town shall base the decision on requirements set forth in Subsections (g), (i) and (j) of this ordinance.

b. If the storm water permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of storm water management practices is made, the Town shall issue the permit.

c. If the storm water permit application, plan or maintenance agreement are disapproved, the Town shall detail in writing of the reasons for disapproval.

d. The Town may request additional information from the applicant. If additional information is submitted, the Town shall have 30 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.

(4) Permit Conditions. All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The Town may suspend or revoke a permit for violation of a permit condition, following written notification of the permittee.

a. Compliance with this permit does not relieve the permit holder of the responsibility to comply with other applicable federal, state, and local laws and regulations.

b. The permit holder shall design and install all structural and non-structural storm water management measures in accordance with the approved storm water management plan and this permit.

c. The permit holder shall notify the Town at least 10 business days before commencing any work in conjunction with the storm water management plan, and within 10 business days upon completion of the storm water management practices. If required as a special condition under paragraph (d), the permit holder shall make additional notification according to a

schedule set forth by the Town so that practice installations can be inspected during construction.

d. Permits issued under this subsection may include any special conditions needed to meet the performance standards in Subsection (g) or a financial guarantee as provided for in section 11 of this ordinance.

e. Practice installations required as part of this ordinance shall be certified “as built” by a licensed professional engineer. Completed storm water management practices must pass a final inspection by the Town or its designee to determine if they are in accordance with the approved storm water management plan and ordinance. The Town or its designee shall notify the permit holder in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.

f. The permit holder shall notify the Town of any significant modifications it intends to make to an approved storm water management plan. The Town may require that the proposed modifications be submitted for approval prior to incorporation into the storm water management plan and execution.

g. The permit holder shall maintain all storm water management practices in accordance with the storm water management plan until the practices either become the responsibility of the Town Board, or are transferred to subsequent private owners as specified in the approved maintenance agreement.

h. The permit holder authorizes the Town to perform any work or operations necessary to bring storm water management measures into conformance with the approved storm water management plan, and consents to a special assessment or charge against the property as authorized under section 66.60(16) of the Wisconsin Statutes, or to charging such costs against the financial guarantee posted under Subsection (k) of this ordinance.

i. If so directed by the Town, the permit holder shall repair at the permit holder’s own expense all damage to adjoining municipal facilities and drainage ways caused by storm water runoff, where such damage is caused by activities that are not in compliance with the approved storm water management plan.

j. The permit holder shall permit property access to the Town or its designee for the purpose of inspecting the property for compliance with the approved storm water management plan and this permit.

k. Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Town may require the permittee to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.

l. The permit holder is subject to the enforceable actions detailed in Subsection (m) of the storm water management ordinance if the permit holders fails to comply with the terms of this permit.

(5) **Permit Duration.** Permits issued under this section shall be valid from the date of issuance through the date the Town notifies the permit holder that all storm water management practices have passed the final inspection.

(i) **Storm Water Management Plan.**

(1) **Plan Requirements.** The storm water management plan required under Subsection (h)(2)a. of this ordinance shall contain any information the Town requires to evaluate the environmental characteristics of the area affected by land development and land redevelopment activity, the potential impacts of the proposed development upon the quality and quantity of storm water discharges, the potential impacts upon water resources and drainage utilities, and the effectiveness and acceptability of proposed storm water management measures in meeting the performance standards set forth in this ordinance. Unless specified otherwise by this ordinance, storm water management plans shall contain at a minimum the following information:

a. Name, address and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of storm water management practices; person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, of maintenance responsibility to another party.

b. A proper legal description of the property proposed to be developed referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.

c. Pre-development site conditions, including:

1. One or more site maps. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all storm water conveyance sections, including time of travel and time of concentration applicable to each; watershed boundaries used in determinations of peak flow discharge rates and discharge volumes from the site; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100 year floodplain; location of wells located within 1,200 feet of storm water detention ponds, infiltration basins, or infiltration trenches; wellhead protection areas covering the project area and delineated pursuant to NR 811.16 of the Wisconsin Administrative Code.

2. Computations of peak flow discharge rates and discharge volumes for the 2-year and 10-year, 24 hour storm events. All major assumptions used in developing input parameters shall be clearly stated. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

d. Post-development site conditions, including:

1. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.

2. Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and ordinances.

3. One or more site maps showing the following: post-construction pervious land use including vegetative cover type and condition; impervious land use including all buildings, structures, and pavement; post-construction topographic contours of the site; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all storm water conveyance sections, including time of travel and time of concentration applicable to each; location and type of all storm water management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in determinations of peak flow discharge rates and discharge volumes; any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.

4. Computation of the inches of initial runoff that will be infiltrated across the site in comparison to the requirements set forth in Subsection (g)(1)c.

5. Computations of peak flow discharge rates for the 2-year and 10-year/24 hour storm events. All major assumptions used in developing input parameters shall be clearly stated. The computations of peak flow discharge rates shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

6. Results of investigations of soils and groundwater required for the placement and design of storm water management measures.

7. Results of impact assessments on wetland functional values.

8. Design computations and all applicable assumptions for the storm sewer system.

9. Design computations and all applicable assumptions for storm water quality practices as needed to show that practices are appropriately sized to meet the performance standards of this ordinance.

10. Detailed drawings including cross-sections and profiles of all permanent storm water conveyance and treatment practices.

e. A description and installation schedule for the storm water management practices needed to meet the performance standards in Subsection (g).

f. A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule.

g. Cost estimates for the construction, operation, and maintenance of each storm water management practice.

h. Other information requested in writing by the Town to determine compliance of the proposed storm water management measures with the provisions of this ordinance.

i. All site investigations, plans, designs, computations, and drawings shall be certified by a licensed professional engineer to be prepared in accordance with accepted engineering practice and requirements of this ordinance.

(2) Alternate Requirements. The Town may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under Subsection (g)(3) of this ordinance.

(j) Maintenance Agreement.

(1) Maintenance Agreement Required. The maintenance agreement required for storm water management practices under Subsection (h)(2) of this ordinance shall be an agreement between the Town and the permittee to provide for maintenance of storm water practices beyond the duration period of this permit. The agreement or recordable document shall be recorded with the Rock County Register of Deeds so that it is binding upon all subsequent owners of land served by the storm water management practices.

(2) Agreement Provisions. The maintenance agreement shall contain the following information and provisions:

a. Identification of the storm water facilities and designation of the drainage area served by the facilities.

b. A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under Subsection (h)(2).

c. Identification of the landowner(s), organization or municipality responsible for long term maintenance of the storm water management practices identified in the storm water plan required under Subsection (h)(2).

d. Requirement that the landowner(s), organization, or municipality shall maintain storm water management practices in accordance with the schedule included in paragraph (2)b.

e. Authorization for the Town to access the property to conduct inspections of storm water practices as necessary to ascertain that the practices are being maintained

and operated in accordance with the agreement.

f. A requirement on the Town to maintain public records of the results of the site inspections, shall inform the landowner responsible for maintenance of the inspection results, and shall specifically indicate any corrective actions required to bring the storm water management practice into proper working condition.

g. Agreement that the Town notify the party designated under the maintenance agreement of maintenance problems which require correction, the specified corrective actions shall be taken within a reasonable time frame as set by the Town.

h. Authorization of the Town to perform the corrected actions identified in the inspection report if the landowner does not make the required corrections in the specified time period. The Town shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to section 66.60(16) of the Wisconsin Statutes.

(k) Financial Guarantee.

(1) **Establishment of the Guarantee.** The Town may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Town. The financial guarantee shall be in an amount determined by the Town to be the estimated cost of construction and the estimated cost of maintenance of the storm water management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Town the authorization to use the funds to complete the storm water management practices if the landowner defaults or does not properly implement the approved storm water management plan, upon written notice of the landowner by the administering authority that the requirements of this ordinance have not been met.

(2) **Conditions for Release.** Conditions for the release of the financial guarantee are as follows:

a. The Town shall release the portion of the financial guarantee established to assure installation of storm water practices, less any costs incurred by the Town to complete installation of practices, upon submission of “as built plans” by a licensed professional engineer. The Town may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

b. The Town shall release the portion of the financial security established to assure maintenance of storm water practices, less any costs incurred by the Town, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

(l) **Fee Schedule.** The fees referred to in other Subsections of this ordinance shall be established by the Town and may from time to time be modified by resolution.

(m) Enforcement and Penalties.

(1) Any land development and land redevelopment activity initiated after the

effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.

(2) The Town shall notify the responsible owner or operator by certified mail of any non-complying land development and land redevelopment activity. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.

(3) Upon receipt of written notification from the Town under paragraph (2), the permit holder shall correct work which does not comply with the storm water management plan or other provisions of this permit. The permit holder shall make corrections as necessary to meet the specifications and schedule set forth by the Town in the notice.

(4) If the violations to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the Town may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Town plus interest and legal costs shall be paid by the owner of title of the property.

(5) The Town is authorized to post a stop work order on all land development and land redevelopment activity in violation of this ordinance, or to request the Town Attorney to obtain a cease and desist order in any court with jurisdiction.

(6) The Town may revoke a permit issued under this ordinance for noncompliance with ordinance provisions.

(7) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Town or by a court with jurisdiction.

(8) The Town is authorized to refer any violation of this ordinance, or of a stop work order or cease and desist order issued pursuant to this ordinance, to the Town Attorney for the commencement of further legal proceedings in any court with jurisdiction.

(9) Any person, firm, association, or corporation who does not comply with the provisions of this ordinance shall be subject to a forfeiture of not less than \$100 nor more than \$500 per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.

(10) Every violation of this ordinance is a public nuisance. Compliance with this ordinance may be enforced by injunctive order at the suit of the Town. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

(11) When the Town determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the storm water management plan, or has failed to comply with schedules set forth in said storm water management plan, the Town or a party designated by the Town may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The

Town shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to Subsection (k) of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

(n) **Severability.** If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force and not be affected by such judgment.

Section 13.07 CONSTRUCTION OF PRIVATE SWIMMING POOLS

(a) **Regulation.** It shall be unlawful to construct, maintain, install or enlarge any swimming pool in the Town of Turtle except in compliance with all the provisions of this ordinance.

(b) **Definition.**

(1) The term “swimming pool” when used in this ordinance is defined as any body of water contained in a man-made receptacle or depression, above or below the surrounding grade, temporary or permanent, used or intended to be used for swimming or wading or bathing, and shall include all structures, equipment and appurtenances therefor.

(2) The term “private swimming pool” is hereby defined as any swimming pool which is not owned by a municipality or governmental organization and includes a temporary private swimming pool.

(3) The term “temporary private swimming pool” is hereby defined as an above ground swimming pool erected for part of the year and disassembled for part of the same year.

(c) **Location.** No portion of a private swimming pool, outside a building shall be located at a distance of less than ten (10) feet from any side or rear property line, or building line or less than forty (40) feet from any front property line. Pumps, filters and water disinfection equipment installations shall be located at a distance not less than ten (10) feet from any side property line.

(d) **Permit Required.** It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private swimming pool and appurtenances within the Town of Turtle unless a permit therefor shall have first been obtained from the Building Inspector. All private swimming pools, appurtenances, water supply and drainage systems shall be constructed in conformity with the approved plans. However, a permit shall not be required for a temporary private swimming pool.

(e) **Fences.**

(1) All outdoor private swimming pools shall be completely enclosed by a fence. All fence openings or points of entry into the pool, area enclosure shall be equipped with

gate. The fence and gates shall be at least 4 ½ feet but not more than 6 feet in height above the grade level and shall be of sufficient strength to make the pool inaccessible to small children. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate.

(2) The fence may be omitted where above ground pools are installed and have a sidewall around the entire perimeter of the pool which is a minimum of four and one-half feet above grade. Access shall be through self-closing and latching gates with a locking device and shall be kept locked when pool is not in use. Where pool ladders are provided they shall be a type that can be removed when pool is not in use.

(f) Electrical Requirements.

(1) All electrical installations provided for, installed, and used in conjunction with private swimming pools shall conform with the electrical code and ordinances of the Town of Turtle, the County of Rock and the State of Wisconsin regulating the electrical installations.

(2) No current carrying electrical conductors shall cross private swimming pools either overhead or underground or within 15 feet of such pools.

(3) All metal fences, enclosures or railings near or adjacent to swimming pools which might become electrically charged as a result of contact with broken overhead conductors or from any other cause, shall be effectively grounded.

(g) **Inspections.** The Building Inspector shall periodically inspect all swimming pools, to determine whether they are in compliance with this ordinance. The inspection shall be by permission of the property owner or occupier or by Special Inspection Warrant in the event permission may not be obtained.

(h) **Permit Fee.** The fee for a permit for the construction of a swimming pool shall be determined by the Town Board. In addition, if the swimming pool has any electrical connections, an electrical permit must be obtained.

Section 13.08 FENCES AND HEDGES

(a) **Definitions.** When used in this ordinance, the following terms shall have the meanings set forth herein:

(1) A “fence” is a structure or partition made of wood, metal, or other materials erected for the purpose of enclosing a piece of land, or to divide a piece of land into distinct portions, or to separate two contiguous pieces of land.

(2) A “hedge” is a barrier formed by bushes, shrubs, small trees or similar plants closely planted together.

(b) **Height.** No person shall construct any fence more than 6 feet in height on any property in the Town of Turtle zoned as Residential District One (R-1) or Rural Residential (R-R).

No person shall permit any hedge to grow taller than 6 feet in height on any property in the Town of Turtle zoned as Residential District One (R-1) or Rural Residential (R-R) where such hedge is nearer than 150 feet from any occupied premises other than the owner of such hedge.

(c) **Barbed Wire and Electric Fences.** No person shall construct or maintain a barbed wire or any fence charged with electricity on any property in the Town of Turtle zoned as Residential District One (R-1) or Rural Residential (R-R).

(d) **Hedges and Fences Near Public Streets.** All hedges and fences parallel to a private driveway which leads to a public street and all hedges and fences along a public sidewalk in any area of the Town of Turtle shall not be higher than 3 feet for a distance of 30 feet from the sidewalk or 30 feet from the street entrance to the driveway.

(e) **Encroachments.** No portion of any fence or hedge in any area of the Town of Turtle may extend into or overhang any property line, public right-of-way or public land unless the owner has secured a written and recorded easement therefor.

(f) **Repair.** All fences on any property in the Town of Turtle zoned as Residential District One (R-1) or rural Residential (R-R) shall be maintained by the owner in structurally sound condition and in good repair.

(g) **Order to Comply.** Where a hedge or fence is higher than permitted in subsections (b) and (d), the Building Inspector shall order the owner or occupant of said premises to make such hedge or fence comply with those provisions. This order shall be in writing and sent to the owner or occupant of the premises. If the owner or occupant does not comply with the order, the Town Board may order employees of the Town of Turtle to enter upon the premises and alter the fence or trim the hedge to comply with the provisions of this ordinance. The expense to the Town of Turtle of making the hedge or fence comply with the ordinance shall be charged to the owner of the premises and collected as a special assessment against the premises.

(h) **Permits.** No person shall construct a fence on any property in the Town of Turtle zoned as Residential District One (R-1) or Rural Residential (R-R) without a permit from the Building Inspector. The cost of the permit shall be established by the Town Board. The Building Inspector shall refuse to issue such permit if the proposed fence would render the use of streets and sidewalks unsafe, or if such fence would interfere with observation of pedestrian or vehicular traffic or would tend to depreciate adjacent property values.

Section 13.09 DRIVEWAYS

(a) **Intent.** It is the intent of this ordinance to control the location and construction of all private driveways in the interest of protecting the health, safety and welfare of the motoring public, as well as pedestrians. It is recognized that the importance of this control is increased as the activity in the driveways increases, and with the importance of the affected streets as major traffic carriers.

(b) **Permit Required.** No person shall construct, reconstruct, or enlarge any private driveway within any public street under the control and the jurisdiction of the Town of Turtle without first obtaining a permit therefor as provided by this ordinance.

(c) **Applications.** Application for such permit shall be made to the Building Inspector on a form provided, and shall be accompanied by a drawing accurately depicting the portion of the proposed private driveway to be constructed, reconstructed, altered, or enlarged, lying within the public street, the dimensions thereof and a statement of the materials proposed to be used. Upon receipt of the application, the Building Inspector shall examine and approve such application if the proposed driveway complies with the terms and conditions of this and any other applicable Town ordinance, and does not interfere with any existing utility or other street appurtenances. Such application and the license issued pursuant thereto, shall contain a statement:

(1) That the applicant represents all parties in interest, and that such proposed driveway is for the bona fide purpose of securing access to the applicant's property and not for the purpose of parking or servicing vehicles advertising, storage or merchandising of goods within the street, or for any other purpose.

(2) That, notwithstanding the construction of such driveway, the Town reserves the right to make any changes, additions, repairs or relocations within the street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction of such private driveway.

(3) That the permittee, and the permittee's successors or assigns, agree to indemnify and hold harmless the Town, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.

(4) That the Town does not assume any responsibility for the removal or clearance of snow, ice or sleet, or the opening of any windrows of such material upon such portion of such driveway within the street.

(5) That the Town reserves the right to control or restrict the flow of traffic into and out of the driveway, including the construction of physical barriers within the traveled portion of the street to implement such controls.

(d) **Location, Design, and Construction Requirements.** The location, design and construction of such driveways shall be in accordance with the following:

(1) Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Such driveway shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right of way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed

that vehicles approaching or using it shall have adequate sight distance along the street.

(2) The number of driveways to serve an individual property fronting on a street shall be the minimum deemed necessary by the Building Inspector for reasonable and adequate service to the property, considering the safety, convenience, dimensions and utility of the street.

(3) All driveways shall be set away from any street intersection by a minimum distance of 650 feet as measured along the street right of way. The Building Inspector may require such additional separation from a street intersection as may be deemed necessary for the conditions of traffic or the physical features of the street, either existing or proposed.

(4) The surface of the driveway connecting with rural type street cross sections shall slope gradually downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed.

(5) Driveways shall not obstruct or impair drainage in street ditches or roadside areas. Driveway culverts, where required, shall be adequate for surface water drainage along the street and shall be of such size as directed by the Building Inspector, but not less than the equivalent of a 15 inch diameter pipe. The distance between culverts under successive driveways shall not be less than 10 feet.

(6) When the construction of a driveway requires the removal of a curb or gutter, the new connections shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway surface shall be connected with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The driveway construction shall include the replacement of such sidewalk areas which are inadequate or which are or may be damaged by means of vehicle travel across the sidewalk.

(7) The grade of that portion of any private driveway located within the limits of any public road, highway, or street, shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.

(8) A driveway should be no steeper than 10% which is a rise of 10 feet for every 100 feet traveled.

(9) A driveway that provides access to property that is uphill from the roadway should have a low-point that is at least 6 inches lower than the road-edge. This low-point should be located over the culvert that provides drainage along the roadside ditch.

(10) A driveway that provides access to property that is downhill from the roadway there should be a 20 to 30 foot long area that is relatively flat before entering the road. The grade in this area should not exceed 2% to 3%.

(11) Any of the above requirements of this section may be varied in such

instances where the peculiar nature of the property or design of the street may make the rigid adherence to the above requirements impossible or impractical.

(e) **Special Requirements for Commercial Driveways.** The following requirements shall be followed for driveways serving commercial or industrial property:

(1) No portion of a private driveway located within the dedicated portion of a public street shall, except as herein provided, have an effective width greater than 30 feet measured at right angles to the centerline of said driveway, except as increased by permissible radii or flare. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Building Inspector may permit a driveway of additional width.

(2) No return radius or flare projected between the edge of the street pavement and the driveway shall be greater than 5 feet.

(3) The angle between the centerline of a private driveway and the edge of the street right of way shall not be less than 45 degrees.

(4) Driveways serving the same premises shall be separated by a minimum distance of 30 feet as measured along the right of way.

(f) **Special Requirements for Noncommercial Driveways.** The following requirements shall be followed for driveways serving noncommercial property:

(1) No noncommercial driveway or combination of driveways within a dedicated portion of a public street shall have an effective width greater than 20 feet except as increased by permissible radii or flare.

(2) No return radius or flare projected between the edge of the street pavement and the driveway shall be greater than 5 feet.

(3) The centerline of that part of the driveway lying within the street right of way shall, wherever possible, be approximately at right angles to the pavement.

(g) **Appeals.**

(1) Any person feeling aggrieved by the refusal of the Building Inspector to issue a permit for a private driveway may appeal such refusal to the Board of Adjustment within 20 days after the date of refusal. The Board of Adjustment, after due notice and public hearing, may grant the request of the applicant in whole or in part and modify the decision of the Building Inspector after finding that such modification:

a. is in conformity with the driveway regulations of this ordinance;

- b. will not adversely affect adjoining property;
- c. will not increase hazards to traffic safety; and
- d. will not create or be likely to create a nuisance.

(2) The Board of Adjustment, granting the modification, may impose such conditions of landscaping, fencing, drainage and paving as are reasonable or necessary to protect adjoining properties and promote traffic safety.

Section 13.10 RAZING BUILDINGS

(a) **Razing Buildings Statute Adopted.** The statutory provisions of section 66.0413 of the Wisconsin Statutes and any future amendments, revisions or modifications thereto are hereby adopted and by reference made a part of this ordinance as if fully set forth therein. Any act required to be performed or prohibited by this statute is required or prohibited by this ordinance.

(b) **Right to Entry.** The Building Inspector shall have the right to enter any building on public or private property during reasonable hours to make necessary inspections pursuant to section 66.0413 of the Wisconsin Statutes. When entry is refused, the Building Inspector may seek an inspection warrant as provided in section 66.0119 of the Wisconsin Statutes.

(c) **Powers of Building Inspector.** The Building Inspector shall have the powers granted by section 66.0413 of the Wisconsin Statutes.